

REMARKS/ARGUMENTS

Applicant has hereby amended independent claim 1 without prejudice to claim a mixture of *Sambucus nigra*, *Centella asiatica* and *Echinacea purpurea*. Applicant's election was one of the possible elections suggested by the Examiner and is therefore believed to be proper. Applicant has also hereby withdrawn claim 4 and added new claims 5-7. Thus, claims 1-3 and 5-7 are pending for examination.

Applicant identifies claims 2-3 and 5-7 as the claims readable on the elected species.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (*i.e.*, inter alia, nonobvious under 35 U.S.C. §103) from the elected group of claims, the Examiner is requested to ensure that such patentable distinctness is present before proceeding to make the requirement final.

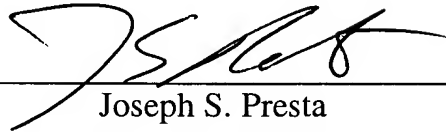
Applicant respectfully reserves the right to pursue the non-elected subject matter in possible divisional applications.

LEVINE et al.
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Respectfully submitted,

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By: _____



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